THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO.13448 OF 2007

Dated 28-06-2007

Between:

Mallela Brahmam …Petitioner

And

Vice Chairman and Managing
Director and three others …Respondents

THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO.13448 OF 2007

O R D E R *(Per the Hon'ble Sri Justice Bilal Nazki)*

The petitioner has been issued series of notices starting from 15-06-2006. Ultimately, the notice, dated 30-03-2007, has been given to the petitioner. This notice is captioned as "show cause notice-II", but the notice demanded Value Added Tax amounting to Rs.77,000/- @12.5% on the sale amount, to be payable within five days from the date of receipt of the notice. It also informed the petitioner that failing the payment, the SD amount of Rs.61,600/- would be adjusted against VAT amount and the balance of Rs.15,400/- would be recovered through APRR Act.

We have heard learned counsel for the parties and we feel that there are no reasons, whatsoever, given for demanding the amount of Value Added Tax @12.5% nor any chance has been provided to the petitioner to show whether the transaction, which is subject matter of tax, was taxable or not. In this view of the matter, let the notice dated 30-03-2007 be taken as a show cause notice and let the petitioner reply it within two weeks from today. The respondents shall thereafter pass a reasoned order after considering the objections of the petitioner. Till an order is passed by the respondents, the stipulation that the SD amount should be adjusted shall not be given effect to.

With these observations, the writ petition is disposed of at this stage. No order as to costs.

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(Bilal Nazki, J)

Dated 28th June, 2007

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(S.Ananda Reddy, J)

Note

1. Let a copy of this order be go to the Divisional Manager, Andhra Pradesh Forest Development Corporation Limited, Kavali, Nellore, for compliance.

2. **Issue wire at party's cost.**

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